

E-filing

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Bud Minton

FILED
APR 11 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

ADR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BUD MINTON,

Plaintiff,

vs.

DELOITTE AND TOUCHE USA LLP PLAN,

Defendant,

METROPOLITAN LIFE INSURANCE
COMPANY,

Real Party in Interest.

CASE NO.

C08-01941

COMPLAINT FOR ERISA BENEFITS

Comes now plaintiff alleging of defendant as follows:

JURISDICTION

1. This suit seeks review of a failure to extend benefits under a long term disability plan covered by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1132. Federal jurisdiction arises under 29 U.S.C. 1132(f).

CLAIM FOR RELIEF

2. Plaintiff is a beneficiary of an ERISA health and welfare plan through his employer, Deloitte and Touche USA LLP ("Deloitte"). Plaintiff resides within this judicial district.

3. Real party in interest, Metropolitan Life Insurance Company ("Metlife"), is a corporation which acts as a fiduciary of the plan, insures the plan and has taken over as the decision-maker for disability benefits under the plan.

4. Plaintiff became disabled during his employment by Deloitte on August 25, 2006, and while covered under the plan, which provides for payment in the event of disability.

5. Plaintiff applied for long term disability benefits through Metlife on December 20, 2006, and that claim was denied on March 12, 2007.

6. Plaintiff appealed the initial denial on October 12, 2007, and was again denied on February 4, 2008, which exhausted his administrative appeal process under the plan.

7. As a proximate result of the denial of his long-term disability benefit claim, plaintiff has been damaged by the loss of benefits from December 1, 2006, the expiration of the plan's elimination period, to date and continuing until June 23, 2019, at which time plaintiff will no longer be eligible for benefits under the plan, having reached the age of 65, in the total amount of approximately \$554,626.

8. Plaintiff has been compelled to retain counsel to collect the benefits owed, and is entitled to reasonable attorneys fees under ERISA in an amount dependent upon the extent of litigation required and estimated at \$150,000 through trial.


1 Wherefore, plaintiff prays for relief as set forth below:
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3 1. For benefits, past and future, for long term disability as provided under the policy
4 in the amount of \$554,626, and for prejudgment interest thereon;
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6 2. For attorneys fees of \$150,000 or according to proof;
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8 3. For such other relief as the court deems just and proper.
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10 Dated: April 11, 2008
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13 Costa Nikoloutsopoulos
14 Attorney for plaintiff
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